FOR MYSORE STATE

-104,-6-4-11-49.

Rural Welfare (1951) Department.

MS SERIES.

G.O. NO. 903

Dated 31-8-51

Passed
Sujatha

[Despatch Abstract.]

Suit - Bellary - O.S.No. 240/51 on the file of the District Munsif of Hospet - Madras State - Defence - Sanctioned.

Revenue Department.

Subject.

Land Acquisition - Bellary - Sandur Taluk and Town - S.Nos.211 and 215 - Notice of suit by Sri K. Srinivasachar on behalf of Ayikal Gurusiddappa - Report - Submitted.

Ref. I.2846/51-2.

Station: Madras Dated: 25.7.1951.

Sri N.C. Thomas, B.A., Joint Secretary.
Sri W.R.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue

RURAL WELFARE DEPARTMENT 27 JUL 1951

Read: G.O.Ms.No.339 Rural Welfare dated 10.10.1950. — p5 of (H) below
Bellary Collector's Rc.No.10987/50-S1 dated 31.3.51.
Board's Ref. I.2846/51-1 dated 19.4.51 — pp4-5 infra
Bellary Collector's Rc.10987/50-S1 dated 28.6.51 — p5 infra

REFERENCE:

Submitted to the Government.

2. There were no regular Land Acquisition rules in the State prior to 1939 when this acquisition was completed and the case was not probably justifiable in the circumstances then obtaining. As the land had been assigned to Messrs. Gogga Siddaramayya and Brothers, the Board considers that there is no reason to go back on the acquisition and to restore the lands to the notice giver now. It accordingly recommends that the Collector may be directed to inform the notice giver that the threatened suit is awaited.

3. The Board also recommends that the Collector may be requested to see that the object of the acquisition is enforced and that Messrs. Gogga Siddaramayya & Brothers construct the choultry and garden for public at a cost of Rs.10,500/- as agreed to by them as early as possible and hand it over to the Revenue Department for maintenance.

for Joint Secretary.

To The Secretary to Government, Rural Welfare Department with copy of suit notice etc. and connected disposals of Sandur Government. — p3 infra

(U) (D) (K)

CTJ/24.7

Copy of Rc.No.10987/50-51 dated 31.3.51 from the Collector of Bellary to the Secretary, Board of Revenue, Chepauk, Madras.

Sub: Land acquisition - Bellary district - Sandur taluk and town - S.Nos.211 and 215 - dispute notice of Sri K. Srinivasachar - Vakil on behalf of Ayikal Gurusiddappa under section 80 C.P.C. report submitted.

The erstwhile Sandur Government had acquired 29 pieces of patta and inam lands covering an extent of acres 2.94 cents in the year 1939 for improvement of amenities to the Sandur town (i.e.) for the construction of a choultry and raising a public garden. Survey Nos.211 and 215 of Sandur, measuring 0.36 cents and acre 0.81.08 cents respectively belonging to one Ayikal Gurusiddappa of Sandur are among them. No compensation was paid to him as he objected to the valuation, fixed by the Erstwhile Sandur Government at the rate of Rs.100 per acre. It was therefore finally ordered on 31.12.1944 that an amount of Rs.336 should be paid to him by way of compensation towards the acquisition of the aforesaid two pieces of land (viz) Survey numbers 211 and 215 of Sandur. Necessary sanction for the payment of this amount to Sri Ayikal Gurusiddappa was accorded by the Government of Madras in Lr.Ms.No. 339 (R.W. Department dated 10.10.1950. He has not so far received the amount of compensation and on the other hand, he has issued a suit notice under section 80 C.P.C. contending that the lands had not been properly acquired by the erstwhile Sandur Government and thus he should be put in possession of them.

p5 (H)

p.t.o.

2. Out of the extent of acres 2.94 cents, acquired by the erstwhile Sandur Government an area of acres 1.37 cents, covered by survey numbers 215 and 214A, 214a, a/1; 214 a/2, 213-F and 213-G was assigned to lessrs. Gogga Siddaramaiah and sons on payment of a sum of Rs.157 subject to the conditions stipulated in D.R. No.912 dated.12.1.1940 (copy enclosed). One of conditions imposed therein was that the purchaser should construct on the western portion of the site a public choultry with a decent garden open to the public The Mantri Mandal in its resolution No.37 dated 24.10.1945 resolved that if Messrs. Gogga Siddaramaiah and sons failed to construct the choultry in accordance with the plan prepared and approved by the Government, the land assigned for the purpose should be resumed. The assignees have not so far constructed the choultry, but they are now willing to construct the same at a cost of Rs.10,500/-

3. The main points raised by the Advocate on behalf of Sri Mylkal Gurusiddappa in the suit notice (copy enclosed) are briefly given below:-

(a) That the acquisition proceedings of the erstwhile Sandur Government in respect of survey numbers 211 and 215 of Sandur are not in order.

(b) That the lands thus acquired were not for a public purpose.

(c) That his client may be given possession of the said lands together with the loss of profits for 3 years at least amounting to Rs.900 at Rs.300 per year.

4. The Government Pleader, Bellary who was consulted in the matter opines that the land in question has been acquired for a public purpose, and that the owner has no right to question the alienation at this distance of time and that he is not entitled for damages as claimed. A copy of Government Pleader's letter No. nil dated 20.2.51 is enclosed. In the circumstances stated by the Government Pleader, Bellary, the threatened suit may be awaited.

5. I enclose the connected records of the erstwhile Sandur Government for reference and return when no longer required.

Sd.
for Collector.

Copy of letter dated 20.2.1951 of Sri H. Lingareddi, B.A., B.L., Public Prosecutor and Government Pleader, Bellary, to the District Collector, Bellary.

Ref:C. No.10987/50.

With reference to the above I am sending herewith the reply notice to the notice issued by Sri K. Srinivasachari, Advocate, Bellary.

The records are herewith returned.

Encl: Records & reply notice.

Sd. H. Linga Reddi,
Government Pleader.

(true copy)

Copy of letter dated 20.2.1951 of Sri H. Lingareddi, B.A., B.L., Public Prosecutor and Government Pleader, Bellary to Sri K. Srinivasachari, Advocate, Bellary.

Sub: Reply notice issued on behalf of the state of Madras represented by the Collector of Bellary to the notice issued by you under Section 80 C.P.C.

The allegation in your notice are not correct and denied.
The land in question has been acquired for a public purpose and Siddaramaiah is constructing a choultry costing Rs.10,500. Your client has no right to question the alienation at this distance of time and that your client is not entitled for damages claimed.

Inform your client that his threatened suit is awaited and that he will be mulcted with costs and that no suit can be filed after the merger.

Sd. H. Linga Reddi,
Government Pleader.

(true copy)

contd.....p.3.

Copy of letter dated 4.7.50 of Sri K. Srinivasa Chari, Advocate, Bellary to (i) the State of Madras represented by the Collector of Bellary (ii) Gogga Rudrayya by himself and as manager of the joint family of himself and his brothers.

Notice under section 80 C.P.C.

I have been instructed by my client Aikal Gurusiddappa son of A. Prabhanna Landlord residing at Kampli, Hospet taluk to give you notice of the following.

My client is the owner of Sircar dry S.No.211 of Sandur village, Sandur State measuring 36 cents and circar dry S.No.215 of the same village measuring 1 acre and 8 cents. He had purchased them in the name of Allam Basappa Dinami for himself along with another land known as Hire Hola measuring 11 acres 62 cents with his own funds from the original owner Ranee Lakshmi Bai step mother of late ruler of Sandur due to some misunderstandings of my client with the ruling family then. My client got patta for the said lands transferred to himself by Allam Basappa.

The relations of my client with the erstwhile ruler of Sandur was not cordial due to my client's leanings towards congress and opposed to Ruler's attitude to the subjects and inamdars.

For the first time my client got a reference purporting to be from Darbar Secretariat, Sandur (Revenue Department) dated 12.7.38 D.R.206/14.7.38 to the effect that my client should not enter, cultivate the lands-survey numbers 211 and 215 as they are required for village support and that compensation would be paid later. My client replied on 16.7.38 that he had dug a well in Hire Hola S.No.201 adjacent to S.No.211 and that in one or two years he would complete all facilities for irrigating his fields and that the Government officials wrongfully cut one babul tree in S.No.211 and wanted compensation for it. My client further stated that he had prepared the land S.No.215 for planting tobacco seedlings and that my client would never consent if it was intended for being given to others. My client got a notice from Darbar Secretariat dated 7.3.39 N.D.R. of 20.3.39 that the lands in question will be acquired and entered upon by the Government and that my client will be compensated for reasonably. My client again wrote on 22.4.39 asking the authorities under what rule the order D.R.No.1 of 20.3.39 was passed and what the exact amount of compensation would be and what was meant by reasonable compensation mentioned in the notice and that on receipt of proper reply for it, my client would signify his consent or otherwise etc. My client got from the same Darbar Secretariat a memo dated 13.6.39 D.R.41/16.6.39 containing many untrue facts and vague and evasive replies to his previous letters. He was not given assurance that the land will not be given to others nor was the provision of law quoted but my client was told that Government have fixed Rs.100 per acre and the exact amount of the land at this rate will be paid to the petitioner as soon as the Government accords sanction for the amount. The cutting of the joly tree was falsely denied etc. My client wrote a reply on 26.6.39 in effect denying the allegation in the memo and challenging the authority of Drabar Secretariat to acquire lands and asked who the land acquisition officer was and my client was not given any reply to it. In 1941 the said lands were given to Bogga Siddaramayya father of No.2 of you and he has been doing of cultivation by raising cholam, groundnut etc., crops and my client's cries for the wrong done to him have been in vain. He wrote several times to Raja Saheb and got no reply from him.

The lands in question mentioned above have not been properly acquired at all and there was no necessity of acquiring the land and no public interest is involved in the acquisition if real as per subsequent use of the lands and it has become a case of robing Peter and paying Paul. To this day it is that No.2 of you that has been in possession paying assessment and raising crop and enjoying them since my client has lost possession from 1941. Since the alleged land acquisition is false, illegal and fraudulent, my client is entitled to the possession of the said lands as he is the owner thereof and mesne profits for 3 years at least which he assesses at Rs.300 per year and Rs.300 per year and Rs.900 for 3 years. My client is also entitled to notice charges Rs.17-8-0 and it is prayed that an enquiry may kindly be made and that the serious injustices to my client be righted and he be given possession of the lands S.No.211 and S.No.215 of Sandur Village within 2 months from the date of the receipt of this notice and also mesne profits and notice charges failing which my client will be constrained to go to court and at your expense which please note.

p.t.o.

My client is a victim of injustice in a similar way with reference to another land measuring about 50 cents adjacent to above land cutting a and the possession of that land may be made over to my client similarly as above.

Yours faithfully,
Sd. K. Srinivasachari

(true copy)

Copy of memo D.M. No.921 dated 12.1.1940 of Secretary to Government in charge (P.H.D.) to Messrs. Gogga Siddamaiah and sons, Sandur.

In accordance with the agreement arrived at after personal discussion between Messrs. Gogga Siddamaiah and sons, Sandur and the Secretary to Government (P.H.D.), Sandur, the Government propose to sell to them, subject to the conditions specified below, the newly acquired site adjacent to their decorticating factory measuring 1 acre and 37 cents and bounded on the East by their decorticating factory, on the south by the line of houses owned by Killedar Killedar Shankuddappa and others, on the west by the foot path leading to Korachara Keri and on the north by the Public road.

Conditions: 1. A choultry has to be constructed by them on the western portion of the site and a decent garden open to public raised round the choultry.

2. The rest of the area adjacent to steel factory may be used by them for buildings and gardens.

3. Decent fencing should be put along the road side.

4. They shall be liable to pay the assessment on the land every year.

They will therefore remit the amount of Rs.107 into the treasury at an early date to facilitate the early transfer of registry of this land in their name.

Sd.
Secretary to Government (P.H.D.)

Copy of Ref.I.2846/51-1 dated 19.4.51. from the Board of Revenue to the Collector of Bellary.

Sub: Land Acquisition - Bellary - Sandur - Taluk and Town - S.Nos.311 and 315 - Dispute - Notice of suit - Further details - Called for.
Read: Bellary Collector's Rc.No.10981/50 dated 31.3.51. — pp 1-2 and

REMEMBER:

It is observed from the records sent by the Collector that the lands of the suit notice given were acquired by the Sandur Sarkar about the year 1937 and no formalities, beyond giving a hearing to the party were followed. The Collector is requested to report on the following points:-

i) What was the procedure followed in the erstwhile Sandur State for the acquisition of private properties,

ii) Whether there was any regulation, similar to the land acquisition in force in the State and whether any redress was open to the parties in the law courts of the State regarding the acquisition and adequacy of compensation?

iii) Why the assignees Messrs. GoggaSiddaramaiah and Sons have failed to fulfill the purpose of the grant though more than a decade has elapsed since the lands were conveyed to them?

iv) How Gogga Siddaramayya & sons have been using the lands all these years?

v) Whether there is real need for a public choultry and a garden in the locality now?

contd.....p.5

5

2. A copy of the State Regulations regarding acquisition of private properties, if any, may also be sent.

The Collector is requested to inform the notice given that the matter is under the Board's consideration and that a reply will be sent to him in due course. He is requested to treat this reference as very urgent and submit his reply ~~M~~ quickly.

Sd.
N. Subramania Ayyer
Assistant Secretary

..

Copy of Rc.No.10987/50.S1 dated 28th June 1951 from the Collector of Bellary to the Secretary, Board of Revenue, Chepauk, Madras.

..

Sub: Land Acquisition (Bellary)- Sandur Taluk and Town - S.Nos.211 and 215 - Dispute - Notice of suit - Further particulars called for - Report submitted - ~~[illegible]~~

Ref: Board's Ref.I.2846/51-1 dated 19.4.51.

..

The Mysore Land Acquisition Act was brought into force in the Erstwhile State of Sandur only from the year 1939 onwards, but the rules and procedure as contemplated in the Mysore Code and the Mysore Land Acquisition Act do not appear to have been strictly followed by the then Government.

2. No Land Acquisition Act was in force in the State prior to 1939. The Mysore Land Acquisition Act was brought into force only from 1939 onwards. It is therefore doubtful to say whether, prior to 1939, any aggrieved party could have agitated in a court of law, but from the year 1939 onwards when the Mysore Land Acquisition Act came into force, the party could have sought redress under the provisions of the said Act, regarding bonafides of acquisition and adequacy of compensation.

3. Regarding the failure on the part of the assignees, Messrs. Gogga Sidramaiah and Sons, I submit that the question of payment of compensation to Sri Ayikal Gurusiddappa, was finally settled by the Erstwhile Sandur Government only on 31.12.1944, vide para 1 of this office Rc.No.10987/50-S1 dated 31.3.51 and as such the assignees could not proceed with the construction of the choultry prior to that date. In its Resolution No.87 dated 24.10.1945 the Mantheri Mandal resolved that if Messrs. Godda Sidramaiah & Sons failed to construct the choultry in accordance with the plan prepared and approved by the Government, the land ~~[illegible]~~ assigned to them for the purpose should be resumed, but though 3 years had elapsed since then and before the state was taken over by the Madras Government, the Erstwhile Sandur Government did not take any action either to resume the land or to insist upon the assignees to proceed with the construction of the choultry. The question was taken up again after the merger of the state, and the plan sent by the assignees Messrs. Gogga Sidramaiah & Sons, was forwarded to Executive Officer, Panchayat Board Sandur, and it has since been received back from him duly approved.

4. The Tahsildar Sandur has reported that S.No.211, acquired from Sri Ayikal Gurusiddappa by the Erstwhile Sandur Government was transferred to village site Poramboke in D.R. No.901 dated 11.7.40, and classified as such in the Revenue Accounts from the date of that order and that it has been lying waste, while the entire portion of the other S.No.(i.e.) S.No. 215, which has been in possession of Messrs. Gogga Sidramaiah & Sons, has been cultivated with cholam, groundnut etc. since its assignment to them.

5. The need for a public choultry and a garden, is keenly felt in Sandur which is the Taluk Headquarters and accommodation is limited there. Public Choultry is a long feld amenity.

6. No copy of the state regulations regarding acquisition of private properties is available.

Sd.
for Collector.

(True Copies)

for Joint Secretary.

CTJ/24.7

7 R.W.U

T.R.

From

The Asst. Secy to Govt.
R.W. Deptt.

To

The Asst. Secy. Board of Revenue,
(I Section)

Sub:- Land Acquisition - Bellary -
Sandur T.C & T.M - S.Nos. 211 & 215 -
Notice of suit by Sri. K. Srinivasa
Chari on behalf of Agricul
Surveid dapra.

Ref:- From the Board of Revenue
Ref. I 2846/51-2 & 23.7.51

The connected disposals of Sandur
Govt. suit to have been sent

2 8

with the Board's reference cited have not been received in this Deptt. Please send the records mentioned therein.

31.7.51

31/7/51

1/8/51.

issued the message
1/8/51.

Ord. / P.C. to go.

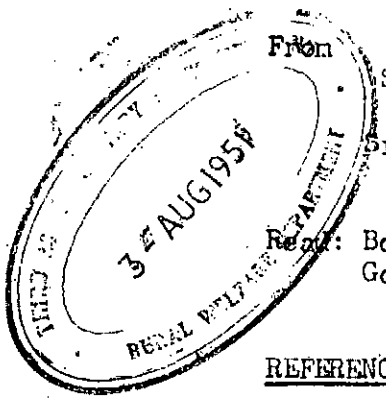
1/8

Revenue Department.

Subject.

Land Acquisition - (Bellary) - Sandur taluk and Town - S.No. 211 and 215 -Notice of suit by Sri K. Srinivasachari - Records.- sent.

Station: Madras. 3879 Ref. I. 2846/51-3. dated 1--8--51,



From

Sri N.C. THOMAS . B.A., Joint Secretary, Board of Revenue,

Sri W.R.S. Sattianathan I.C.S. Commissioner of Land Revenue,.

Read: Board's Ref. I 2846/51-2 dated --7--51.
Government Telephonic Message No. Nil. 1--8--51.

REFERENCE.

The connected disposals of Sandur Government have since been submitted to Government separately on 1--8--'51.

For Joint Secretary.

To

The Secretary to Government.
Rural Welfare Department.

SM/2-8

Revenue Deapartment.
Subject..

Suits - Land Acquisition (Bellary) - Sandur taluk and town District Munsiff's court - O.S.No.240/51 - Plaint of T. Gurasiddappa.

ADDITIONAL
8 - AUG 1951
RURAL WELFARE DEPARTMENT

Sation: Madras. I.2486/51-4 dated 6-8-51-

From

Sri N.C. Thomas, B.A.,
Joint Secretary, Board of Revenue, Madras.

Sri W.R.S. Sattianathan, I.C.S.,
Comm ssioner of Land Revenue.

Read: G.O.Ms.No.339 Rural welfare d/10-10-50
Board's ref.I-2846/51-2 dated 23-7-51.
Collector of Bellary No.Rc.12786/51-A1 dated 2-8-51.

REFERENCE:

Submitted to the Government in continuation of the Board's reference second cited above.

2. The Board requests very early orders in the matter as the suit is posted to 5-10-51 and as the Collector has to take further steps to defend the suit.

for Joint Secretary.

To the Secretary to Government, Rural Welfare Department.
Copy to the Collector of Bellary.

jsv/6.8

Copy of letter No.C.No.12786/51 A1 dated 2-8-51 from the Collector of Bellary to the Secretary to the Board of Revenue, Madras

13

Sub: Suits - O.S.No.240/51 Dt. Munsif's court Hospet - Plaintiff T.Gurusiddappa of Kampli - report submitted.

Ref: 1. This office Ref.C.10987/50 S.1 dated 31.3.51
2. Board's ref.I.2486/51-1 dated 19-4-51.
3. This office C.No.10987/51 S1 dated 26-7-51.

I invite attention to the references cited and request the favour of very early orders in the matter as the party has since filed a suit in the District Munsif's court, Hospet. A copy of the plaint is enclosed. The suit stands posted to 5-10-1951.

Sd. x x x
for Collector

In the Court of the District Munsif of Hospet.
Original Suit No.240 of 1951.

Between
Tykallu Gurusiddappa ... Plaintiff.
and
1. The Madras State represented by the Collector of Bellary
2. Gagga Rudrayya ... Defendants.

Plaint under order VII, Rule 1, C.P.C. on behalf of the plaintiff.

1. Plaintiff:- Tykallu Gurusiddappa son of aged about 65 years, Lingayat, Landlord, resident of Kampli village in Hospet taluk. Address for service C/o. Sri M. Rama Rao, Advocate, Bellary.

2. Defendants:-- (1) The Madras State represented by the Collector of Bellary.
(2) Gagga Rudrayya son of Siddaramayya, aged about 35 years. Address for service same as above.

3. The plaintiff was the owner of the schedule mentioned lands in Sandur. On or about the year 1938 the Sandur state Government called upon the plaintiff not to enter on the schedule mentioned lands on the ground that they would be acquired for purpose of affording facilities and improvement to the Sandur village and that compensation would be paid. These lands are abutting the main road and located in a very important place. The plaintiff protested against the steps adopted by the State Government and challenged its bonafides on the ground that the lands were not needed for any public purpose. His fears are proved to be true from the subsequent conduct of the State Government. Correspondence went on between the plaintiff and the State Government but all the requests fell in deaf ears. As a protest against the hostile and unjust attitude taken up by the state the plaintiff has not drawn the meagre compensation sanctioned to him at the rate of Rs.200/- per acre.

4. The provisions of the Land Acquisition Act then in force in the Sandur state were not enforced and the whole act was malafide and high handed. The ward proceedings are totally invalid and not binding on the plaintiff and were actuated with a motive to harass the palintiff who was an eye-sore to the State Government and is ultra vires of the powers of the State Government to have taken possession of the schedule lands from the plaintiff without enforcing the rules and regulations in force at that time and the rights of the plaintiff are not in any way affected.

5. In the year 1941 the Sandur State Government contrary to avowed and declared purpose of utilising the schedule mentioned lands for the purpose of affording improvement to the town, granted patta of the said lands to the 2nd defendant's father Siddaramayya. The plaintiff was thus dispossessed and the 2nd defendant's father was given possession of the lands and the said act is highly unjust, inequitable and opposed to sense of justice, law and fairplay and not in consonance with the dignity of the State Government. The 2nd defendant's father and after him the defendant has been in

possession and enjoyment of the lands by raising cotton and cholam crop till now.

6. The plaintiff again and again tried his level best to draw the attention of the state Government to undo the wrongs done to him. But as everything seemed to have been done with a design, no steps were taken to redress the grievances of the plaintiff. The assignment of the lands to the 2nd defendant does not affect the plaintiff's right and record possession of the same. Both in law and in equity the plaintiff should be deemed to be the owner of the schedule mentioned lands as the very purpose of the so called acquisition is proved to be a mere camaflauage as could be seen from the subsequent conduct of the Sandur State Government and as such he is entitled to recover possession of the same together with mesne profits. In the present suit he confines his relief to the prayer for possession and craves the leave of the Honourable court to file a separate suit for mesne profits.

7. The Sandur State Government being merged with the 1st defendant state the latter has become the successor Government with all rights and obligations. All the rights enforcible against the Provinces, Sandur State Government could be enforced against the 1st defendant. So a notice under Section 80 C.P.C. was issued to the defendants. But to the great misfortune of the plaintiff the 1st defendant also has followed the footsteps of its predecessor Government and without instituting necessary enquiry has sent a categorical reply saying that the threatened suit was awaited. The 2nd defendant has also replied stating that he is holding the patta assigned by the Sandur State Government. Hence the suit.

8. The cause of action for this suit arose in the year 1938 when the Sandur State Government declared its intention of acquiring the Schedule mentioned lands, in the year 1939 when the Sandur Darbar Secretariat gave a reply in its memo dated 13-6-1939 D.R.41/16-6-1939 stating that the lands were being acquired for a public purpose and through, in the year 1941 when the state Government contrary to the declared intention and the public purpose granted patta of the lands to the 2nd defendants' father and subsequently when the Sandur State Government failed to redress the wrongs and finally in July 1950 when a suit notice was issued to defendants under section 80 C.P.C at Sandur village within the jurisdiction of this Honourable Court

and Subsequently when the alleged acquisition proceedings were carried through —

9. The plaintiff values the suit for the purpose of court fee and jurisdiction as follows.

10. For the and other reasons, it is prayed that the Hon'ble court be pleased to declare the plaintiff's title to the schedule mentioned lands and to direct the 2nd defendant to put the plaintiff in possession of the same, to order costs of suit and other reliefs against the defendants as the Hon'ble court may deem fit.

Schedule.

Lands situate in +Sandur village in Sandur Taluk within the sub-registration district of Sandur.

		A.C.	Taram.
1. Govt.dry	S.No.215	1-08	Rs. 4-5-0
2. do	211	0-36	1-7-0
			Rs. 5-12-0

//ture copy//

for Joint Secretary.

kr/19jsv/6-8

Superseded

15

Rural Welfare Deptt.(V)

ABSTRACT

Suit - Bellary - O.S.No. 240/51 on the file of the District Munsif of Hospet - Madras State - Defence - Sanctioned.

Read again:-

G.O.MsNo. 339 R.W., dated 10-10-50.

Read also:-

From the Collector of Bellary, Rc.10987/50-S1 dated 31-3-51 and 28-6-51.

From the Collector of Bellary Rc.12786/51 dated 2-8-51.

From the Board of Revenue, Ref.I. 2846/51-1 dated 23-7-51.

-do- -do- Ref.I. 2486/51-4 dated 6-8-51.

ORDER No. RW(V) Dated 1951.
MS

His Excellency the Governor of Madras sanctions the defence of the Madras State, the first defendant, in O.S.No.240 of 1951, on the file of ~~the Court of~~ the District Munsif, Hospet.

2. The Government Pleader, Bellary is requested to appear on behalf of the State and conduct the defence of the suit mentioned above.

3. The Collector of Bellary is requested to submit the ~~counter statement and~~ draft written statement prepared by the Government Pleader for the approval of the Government, before ~~filing them~~ it is filed in the Court.

4. The connected records of the Sandur Durbar are returned to the Collector of Bellary.

To
The Collector of Bellary,
Bellary(with encl.)
The Govt. Pleader,
Bellary.
thro' the Collector of
Bellary.
The Board of Revenue,
Madras.
S/C

Rural Welfare Deptt.(V)

Abstract

Suit - Bellary - O.S.No. 240/51 on the file of the District Munsif of Hospet - Madras State - Defence - Sanctioned.

Read again:-

G.O.Ms.No. 339, Rural Welfare dated 10-10-1950.

Read also:-

From the Collector of Bellary, Rc.10987/50-S1 dated 31-3-51 and 28.6.51

From the Collector of Bellary, Rc.12786/51 dated 2-8-51.

From the Board of Revenue, Ref.I. 2846/51-1 dated 23-7-51.

-do- -do- Ref.I. 2486/51-4 dated 6-8-51.

ORDER No. 903 RW(V) Dated 31.8.1951.
MS

His Excellency the Governor of Madras sanctions the defence of the State of Madras, the first defendant, in O.S.No. 240 of 1951, on the file of the District Munsif, Hospet.

2. The Government Pleader, Bellary is requested to appear on behalf of the State and conduct the defence of the suit mentioned above.

3. The Collector of Bellary is requested to submit the draft written statement prepared by the Government Pleader for the approval of the Government, before it is filed in the Court.

4. The connected records of the Sandur Durbar are returned to the Collector of Bellary.

To
The Collector of Bellary (with encl.)
The Govt.Pleader, Bellary. thro' the Collector of Bellary.
The Board of Revenue, Chepauk, Madras.

S/C

Rural Welfare Deptt.(V)

No. 37372/51)

Sub: Suit - Bellary - O.S.No. 240/51 on the file of the District Munsif of Hospet - Madras State - Defence - Sanctioned.

Ref: From the Board of Revenue, Ref.I.2846/51-2 dated 23-7-51.

-do- -do- /51-4 dated 6-8-51.

Please see the Board's reference at pp.1 & 11 c.f. and the enclosures at pp.1-5 and 13-14 c.f.

2 The acquisition of an extent of Ac.2.94 of land in Sandur was sanctioned by the Sandur Durbar in the year 1939 for the construction of a Choultry and for raising a public garden on the lands proposed for acquisition. S.Nos. 211 and 215 of Sandur measuring Ac.1.44 belong to Sri Ayikal Gurusiddappa, the Plaintiff, who objected ~~is said to be unwilling~~ to take the compensation amount sanctioned by the Sandur Govt. at Rs.100/- per acre as the compensation was fixed at Rs.336/- later on in 1944. In G.O.Ms.No.339, R.W., dated 10-10-50, sanction was accorded for the payment of the compensation to the Plaintiff, but he refused to receive the amount. He has now filed the present suit.

3 The main points raised by the Plaintiff are :

(1) that the acquisition proceedings of the Sandur Durbar were not in order; and

(2) that the lands were not acquired for a public purpose.

The Government Pleader, Bellary is of the opinion that the lands were acquired for a public purpose and the Plaintiff has no right to question the alienation of the lands at this distance of time. The Collector and the Board of Revenue agree with the Government Pleader.

4 In the above circumstances, the defence of the suit ~~xx~~ may be sanctioned and the Collector may be requested to submit the draft written statement and draft counter ~~statement~~ affidavit for the approval of the Government before filing them in the Court. A draft order is submitted below for approval.

5 Pub (Sole), Home, Legal and Finance may see for acceptance.

6. The case may be treated as very urgent as the suit is posted to 5-10-51.

UNDER SECRETARY 3023 17 AUG 1951 PUBLIC DEPARTMENT

Rdn.No. 37372 R&V/51-4

17-8-51

10/9/51

17/8/51 Dec 28-8-51 Pub (Sole) / Home / Legal / Fin

Public (Political-A) Deptt.

Notes overleaf and the draft order below may be perused and the file passed on to Home.

21/8/51. 22.8.51.

Pub (Poll A) Section
SECRETARY TO GOVERNMENT
23 AUG 351
HOME DEPARTMENT

Home (Ch III) Deptt.

The notes of R.W. and Pub (Poll A) at pp. 1-2 above and the draft order below may be perused and the case passed on to Legal.

23/8/51 23/8/51 23/8/51

Legal Deptt.

Seen in Legal.

2. No counter-affidavit is filed by the defendant in a Suit; only a written Statement is filed. The words "Counter-affidavit and" in paragraph 3 of the draft may therefore be omitted. The other alterations indicated in pencil on the draft may also be made.

24.8.51

Leg. No. 14244
ASSISTANT SECRETARY TO GOVERNMENT
14261
23 AUG 1951
LEGAL DEPARTMENT

Finance

The notes on pp 1-2 above and the draft order as amended by Legal may be perused and the case returned to R.W.

28/8/51 27/8/51

Rural Welfare Deptt.(V)

Please see the notes above. A clean copy of the draft order is submitted. May be circulated to H.M.(H) for approval of the draft order.

Leg. No. 14244
SECTION ASSISTANT SECRETARY TO GOVERNMENT
27/8/51.
31 AUG 1951
FINANCE DEPARTMENT

THIRD ASSISTANT SECRETARY TO GOVERNMENT
29 AUG 1951
FINANCE DEPARTMENT

SECRETARY TO GOVERNMENT
30 AUG 1951
RURAL WELFARE DEPARTMENT

SENIOR ASSISTANT SECRETARY TO GOVERNMENT
62333
27 AUG 1951
FINANCE DEPARTMENT
GOVERNMENT OF MADRAS

43546

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28.8.51

29/8/51 29.8.51 30/8/51 H(H)

(Issued as G.O.Rt.No. 903 R.W. & 31.8.51)